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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

YVETTE PATRICK,

Plaintiff,

v.

MICHAEL J. ASTRUE,
COMMISSIONER OF THE SOCIAL
SECURITY ADMINISTRATION,

Defendant.

Case No. CV 06-8275 AN

ORDER AFFIRMING FINAL
DECISION OF COMMISSIONER

The Court now rules as follows with respect to the three disputed issues in the Joint Stipulation (“JS”).^{1/}

Disputed Issue #1

By the first issue, Plaintiff principally contends a reversal is warranted because the Administrative Law Judge (“ALJ”) failed to give proper reasons for rejecting the opinion of Richard Perlman, M.D., a hand specialist who treated Plaintiff’s carpal tunnel syndrome (“CTS”). Between March 30, 1999, through February 21, 2002, Dr. Perlman prepared eighteen one-page medical reports relating to Plaintiff’s CTS. (AR 111-28.) Collectively, Dr. Perlman’s reports establish that he opined that Plaintiff’s CTS basically

^{1/} Both parties have consented to proceed before the undersigned Magistrate Judge. In accordance with the Court’s Case Management Order, the parties have filed the JS and seek a dispositive order regarding the disputed issues set forth in the JS. The Court’s decision is based upon the pleadings, the Administrative Record (“AR”), and the JS.

1 disabled her from May 30, 1999, until February 21, 2002. The ALJ rejected Dr.
2 Perlman's disability opinion because he found Dr. Perlman's reports "appear to be
3 perfunctory statements issued as a matter of course, and not well-reasoned statements
4 carefully considering the claimant's objective signs, which do not indicate any ongoing
5 pathology" in contrast to the medical report of Kenneth Stover, M.D., an examining
6 physician, who examined Plaintiff on February 9, 2004, and found Plaintiff had an
7 unrestricted RFC for lifting objects up to 25 pounds. (AR 19). The Court's review of Dr.
8 Perlman's reports establish the ALJ's descriptions are accurate. Under the circumstances,
9 the Court finds the ALJ gave clear and convincing reasons for rejecting Dr. Perlman's
10 opinion because, in the Ninth Circuit, it is well-settled that "[t]he ALJ need not accept the
11 opinion of any physician, including a treating physician, if that opinion is brief,
12 conclusory, and inadequately supported by clinical findings." *Thomas v. Barnhart*, 278
13 F.3d 947, 957 (9th Cir. 2002); *see Burkhart v. Bowen*, 856 F.2d 1335, 1339 (9th Cir.
14 1988) (uncontroverted treating physician opinion properly rejected where there was no
15 description of medical findings, personal observations or test reports upon which
16 physician could have arrived at conclusion). The Court also finds the ALJ gave specific
17 and legitimate reasons that were supported by substantial evidence in the record for
18 favoring Dr. Stover's conflicting opinion.

19 Accordingly, the Court finds Plaintiff's contentions with respect to the first
20 disputed issue do not warrant a reversal of the Commissioner's final decision.

21 Disputed Issue #2

22 By the second disputed issue, Plaintiff contends a reversal of the Commissioner's
23 final decision is warranted because the ALJ failed to provide clear and convincing
24 reasons for rejecting her subjective complaints regarding the severity of her CTS and
25 alleged mental limitations. The Court, however, disagrees and finds Plaintiff's
26 contentions lack merit, and do not warrant a reversal of the Commissioner's final
27 decision, for the reasons expressed in the Commissioner's opposing contentions that are
28 set forth at page 15, line 1, through page 17, line 20 of the JS, which are not refuted by

1 Plaintiff's reply contentions.

2 Disputed Issue #3

3 By the third disputed issue, Plaintiff contends a reversal of the Commissioner's
 4 final decision is warranted because the ALJ failed to fully and fairly develop the record
 5 with respect to the medical records of Dr. Kozin, a surgeon who apparently performed
 6 Plaintiff's hand surgeries. The Court, however, disagrees and finds Plaintiff's contentions
 7 lack merit, and do not warrant a reversal of the Commissioner's final decision, for the
 8 reasons expressed in the Commissioner's opposing contentions that are set forth at page
 9 19, line 22, through page 20, line 18 of the JS, which are not refuted by Plaintiff's reply
 10 contentions. Further, "[a]n ALJ's duty to develop the record further is triggered only
 11 when there is ambiguous evidence or when the record is inadequate to allow for proper
 12 evaluation of the evidence." *Mayes v. Massanari*, 276 F.3d 453, 459-60 (9th Cir. 2001).
 13 Here, the record included pre-surgery and post-surgery medical reports from Dr. Perlman,
 14 Plaintiff's hand specialist, regarding her CTS. As discussed above, the ALJ found Dr.
 15 Perlman's reports were perfunctory, not-well reasoned, and did not reflect objective signs
 16 supporting Dr. Perlman's opinion. The fact, however, that Dr. Perlman's reports had
 17 these deficiencies did not make these reports ambiguous or inadequate for purpose of
 18 evaluation. Further, as discussed in the ALJ's decision, the record contained other
 19 substantial medical evidence that supported the ALJ's decision.

20 Conclusion

21 Based upon the foregoing, the Court finds the Commissioner's final decision is free
 22 of legal error and supported by substantial evidence in the record.

23 IT IS THEREFORE ORDERED that judgment be entered affirming the
 24 Commissioner's final decision, and dismissing this action with prejudice.

25
 26
 27 DATED: June 3, 2008

28 /s/
 ARTHUR NAKAZATO
 UNITED STATES MAGISTRATE JUDGE